

### City of Portland

### **Bureau of Development Services**

Land Use Services Division

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www.portlandonline.com/bds

**Date:** July 21, 2008

**To:** Interested Person

**From:** Chris Beanes, Land Use Services

503-823-7983 / chris.beanes@ci.portland.or.us

# NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

# CASE FILE NUMBER: LU 08-132835 DZ, STOREFRONT ALTERATION

**Applicant:** Stewart Straus, Architect 503-672-7517

6170 SW Cherry Hill Drive Beaverton, OR 97008

Stadium Place Limited Partnership

Water Tower Bldg, Af Evans

1000 Broadway Oakland, CA 94607

Site Address: 737 SW 17TH AVE

**Legal Description:** IMP EXMT 10YR 98 ORS 307.600 LOT 2, PARTITION PLAT 1997-27

**Tax Account No.:** R649771060 **State ID No.:** 1N1E33DC 02602

Quarter Section: 3028

**Neighborhood:** Goose Hollow, contact Jerry Powell at 503-222-7173.

**Business District:** Goose Hollow Business Association, contact Angela Crawford at 503-

223-6376.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Goose Hollow

**Zoning:** RXd, Central Residential with Design Overlay

**Case Type:** DZ, Design Review

**Procedure:** Type II, an administrative decision with appeal to the Design

Commission.

#### Proposal:

The applicant proposes alterations to a storefront at the southeast corner of an existing building. The proposal affects 2 bays of the ground floor. Removal of a door at the southernmost bay is proposed. The area will be filled in at the current door location with comparable storefront materials and treatment. In addition, the adjacent storefront bay will be altered with the removal of a concrete spandrel and storefront, and addition of a new entry door and storefront in its location.

Because the proposal is for an exterior alteration within a design overlay zone, Design Review is required.

#### Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

 Central City Fundamental Design Guidelines Goose Hollow District Design Guidelines

#### **ANALYSIS**

**Site and Vicinity:** The site lies within the Goose Hollow subdistrict of the Central City Plan District. Reflective of its location, site characteristics are less dense, lower building heights, yet a busy hub of transportation routes including the MAX light rail which skirts the northern edge of the site. As the site is located within the RX zone, there are multiple high density residential uses within the vicinity, including the recently built Civic condominiums.

The 22,010 square foot site is irregularly shaped, bisected diagonally by the MAX light rail line tracks. The five story 90,075 square foot building, constructed in 1998 is multifamily residential, with a retail and office ground floor. The proposal is within the southeast corner of the building's ground floor.

**Zoning:** The <u>Central Residential (RX) zone</u> is a high-density multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium- and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

The <u>design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate the following previous land use reviews:

- <u>LU 05-133207 DZ</u>. Design Review approval for wireless communications facility on the roof of the building.
- <u>LUR 96-01155 DZ</u>. Original Design Review approval for construction of the building.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed on June 17, 2008. The following Bureaus have responded:

The <u>Life Safety (Building Code) Section of the Bureau of Development Services</u> responded with the following comment:

"A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances". Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 17m 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

#### **ZONING CODE APPROVAL CRITERIA**

#### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design district guidelines.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental and Goose Hollow Special Design Guidelines.\_

## $\frac{\textbf{Goose Hollow District Design Guidelines and Central City Fundamental Design}{\textbf{Guidelines}}$

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. (A) Portland Personality, addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis, addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design, addresses specific building characteristics and their relationships to the public environment. (D) Special Areas, provides design guidelines for the four special areas of the Central City.

#### Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

#### Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **C4.** Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings for A4, C4:** Unifying features of the proposal include a window replacement for the existing door which will include windows that will match the existing window openings, including mullion location along the lower portion of the storefront. Material and paint will match existing metal window frames as well. The door to be removed will be reused in the adjacent bay where a new entry is desired. As such, the proposal's unifying features of material, transparency, and reuse of existing features will allow maintenance of existing ground floor characteristics within the vicinity. *These guidelines are thus met.* 

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

#### A5-1. Strengthen the Identity of the Civic Stadium Station Area.

This guideline may be accomplished by any or all of the following:

- **a)** Integrating the Civic Stadium and Multnomah Athletic Club into the station area. This can be done by making their ground level street walls more pedestrian-friendly.
- **b)** Incorporating the history of the Stadium and Tanner Creek in the form of art work, murals, and other design features;
- c) Strengthening the neighborhood focal point located within the station area. Street trees, awnings, lighting and other amenities can emphasize pedestrian connections to the focal point (the Park, Plaza/Station). Buildings can orient their openings and entries towards the focal point to create a sense of enclosure and enhance the sense of entry into the District; or
- **d)** Using architectural vocabulary and materials that maintain continuity with the existing developments and add to the character of the station area.

**Findings for A5, A5-1:** The proposal is consistent with the desired goal of pedestrian friendliness in the area by maintaining transparency along the ground floor of the building. The interior and exterior alteration allows for construction of a new corner office space, thus furthering the goal of active space along the ground floor. *These guidelines are thus met.* 

**A6.** Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings for A6:** The proposed alterations will allow for successful continued re-use of this structure. Waste will be kept to a minimum through reuse of the existing door. Existing building elements will be integrated into the exterior alteration. *This guideline is thus met.* 

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**Findings for A8:** The proposal maintains transparency along the ground floor, supportive of visual connection into interior space, and active uses within. A slight increase in the amount of glazing is proposed, which further supports the notion of visual interest along the sidewalk. *This quideline is thus met.* 

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings for C2:** All of the proposed alterations employ high-quality materials that impart a sense of permanence. Windows are metal-framed with clear glazing. The existing metal door will be reused. *This guideline is thus met.* 

- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C3, C5:** Proposed alterations will continue the existing tripartite mullion pattern and transom as existing bays along the base of the building. Both bays will be entirely transparent, continuing existing transparency of the ground floor. A slight difference is that there will be a shift in the plane of the northern bay in order to accommodate the door swing entirely on property. The corner bay includes the planar shift, so the proposal continues the established building line along the two bays. The strong rhythmic relationship of the base, of pilaster (solid)-bay (transparent) –pilaster (solid), will be maintained. *These quidelines are thus met*.

#### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

#### CONCLUSIONS

The proposed alteration to the 2 bays along the corner of the building includes work that will maintain transparency supportive of pedestrian friendliness. In addition the project features elements which reflect the existing architecture of the building. The proposal merits design review approval.

#### **ADMINISTRATIVE DECISION**

Approval of the storefront work to 2 adjacent bays including the following:

- Removal of a door at the southernmost bay. The area will be filled in at the current door location with comparable storefront glazing and treatment;
- New glazing and reuse of entry door in adjacent bay per the approved site plan/elevation, Exhibit C-1, signed and dated July 15, 2008, subject to the following conditions:
- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.XX. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-132835 DZ . No field changes allowed."

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Decision rendered by: \_\_\_\_\_\_ on July 17, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: July 21, 2008

Staff Planner: Chris Beanes

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on May 29, 2008, and was determined to be complete on **June 12, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 29, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

#### Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on August 4, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

• Unless appealed, The final decision may be recorded on or after August 5, 2008 – (the day following the last day to appeal).

A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

• By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

• In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

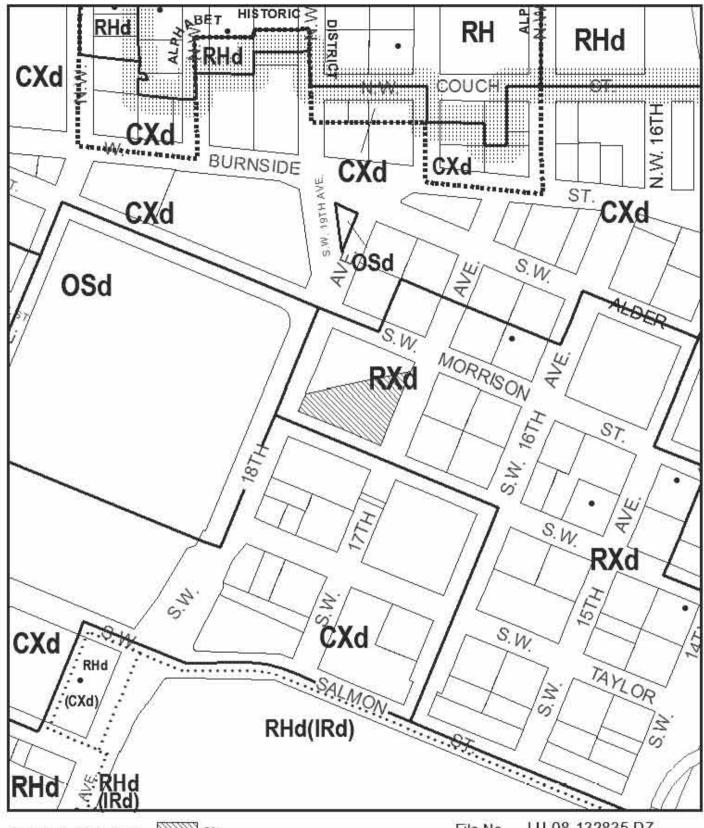
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan/Elevation/Detail (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Site Development Review Section of BDS
- F. Correspondence:
  - 1. none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



## ZONING



Historic Landmark



This site lies within the: CENTRAL CITY PLAN DISTRICT

